



USAID | UKRAINE

FROM THE AMERICAN PEOPLE

January 30, 2008

TO: All USAID Contractors and Recipients in Ukraine, Belarus, and Moldova

FROM: Jonathan Chappell, Regional Contracting Officer

SUBJECT: Limited Blanket Waiver to Allow Training in Selected Third Countries

The Mission Director has signed a limited blanket waiver of the USAID Automated Directive System to allow sending trainees from Ukraine, Belarus, and Moldova to third countries in Eastern Europe and the Newly Independent States, under certain conditions. This waiver will be in effect for two years, beginning February 15, 2008. A copy of the waiver appears below. Implementers should keep a copy of this waiver in their files for audit purposes.

Under this limited blanket waiver, contractors and recipients are responsible for determining if the proposed training event meets the limited blanket waiver criteria. If so, contractors and recipients should document their files and proceed with the training. If not, contractors and recipients need to determine whether the proposed training meets the criteria for an individual training waiver, in which case a request for a waiver, with convincing justification, should be submitted to their Cognizant Technical Officer.

Please also note that this waiver does not waive the nationality requirements for training providers. While you may send trainees to Eastern Europe under the limited blanket waiver, you still cannot hire an Eastern European training provider without a nationality waiver. However, because Geographic Code 110 (NIS) is an authorized Geographic Code for all awards made by the Regional Mission, you may utilize training providers from the NIS without a nationality waiver. Trainees cannot be sent to Western Europe and training providers from Western Europe cannot be utilized without: 1) a waiver to allow training in the Western European country and 2) a nationality waiver to utilize a training provider from the Western European country. Implementers with any questions concerning the eligibility of proposed training are encouraged to contact their Cognizant Technical Officer or the Regional Contracting Office.

Implementers should note that the definition of training includes, inter alia, activities such as non-academic seminars, workshops, on-the job experiences and observational study tours. All training is subject to the policies in ADS 253 and its mandatory and supplemental references which can be located at the following web site: <http://www.usaid.gov/pubs/ads/200/>. In particular, I would like to highlight the requirements that participants sent to third countries must have medical insurance and, if trainees are not fluent in the language of instruction, interpreters must be provided. In addition, the use of the TrainNet Web database is mandatory (see <http://trainetweb.usaid.gov/Welcome.do>).

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FROM THE AMERICAN PEOPLE

January 23, 2008

ACTION MEMORANDUM FOR THE MISSION DIRECTOR

To: Earl Gast, Mission Director
From: Jonathan Chappell, Regional Contracting Officer
Subject: Designation and Limited Blanket Waiver to Allow Training in Selected Third Countries

I. ACTION REQUESTED

Pursuant to ADS section 253.3.2(c), third country training may not take place in designated Developed Free World countries without a waiver signed by the Mission Director or designee. You are requested to approve a limited form of blanket waiver of this restriction for a period of two (2) years to allow participant training under the Belarus, Moldova and Ukraine programs in certain third countries in Eastern Europe and the Newly Independent States (NIS). In addition, you are requested to designate the Mission's Participant Training Coordinator for purposes of executing third country training waivers on your behalf.

II. BACKGROUND

Training is defined in USAID's Automated Directive System as "a planned intervention by organizational or independent professionals to solve identified performance gaps through the acquisition and application of new skills, knowledge, or attitudes (SKAs). These are acquired either via structured learning and follow-up activities, or via less structured means. Training can consist of long-term academic programs, short- or long-term non-degree technical courses in academic settings, non-academic seminars, workshops, on-the-job experiences, or observational study tours." In addition to the U.S. and the host country, according to ADS section 253.3.2(c), training may take place in all countries except the following: 1) Developed Free World countries (countries excluded from Geographic Code 941), 2) countries which are donors to the USAID recipient country, 3) countries considered unfriendly by the U.S. Department of State and 4) terrorist countries identified by the Department of State. The Developed Free World includes the countries of Eastern Europe and the three constituent countries in the Mission – Ukraine, Belarus and Moldova – as well as all other Newly Independent States (NIS). This means that participants from the Regional Mission's three countries may not attend training in Eastern Europe or in any other NIS country without a waiver.

The Mission Director (or designee) is permitted under ADS 253.3.2(d) to waive this restriction when: 1) instruction at the training site and country selected is critical to achieving strategic objectives; 2) the participant has proficiency in the language of instruction in the selected country or an interpreter or technical escort will accompany the participant; and 3) similar training is unavailable in the U.S. or in an

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independent country included in Geographic Code 941 (Selected Free World which consists of developing countries).

III. DISCUSSION

A. Limited Blanket Waiver

Training in Eastern Europe and the NIS in certain cases is critical to the achievement of Mission strategic objectives. First, these countries all share a legacy of Soviet rule or domination which contributed to the development of similar political, economic and social structures and their attendant problems in a post-communist world. These countries are in varying stages on the path towards becoming modern democratic states and converting to free market economies while coping with the social disruption caused by the demise of the Soviet empire. The Eastern European countries on the whole tend to have progressed further down this path than those countries in the NIS and for that reason, their experiences in making this transition are particularly relevant to Ukraine, Belarus and Moldova. While training in the U.S. is still often beneficial in many cases, participants often have difficulty relating the situation in their country to that of the U.S. Eastern Europe offers a vision of a more reasonable goal of what might be possible in the near future. At the same time, most NIS countries are currently grappling with the same types of issues, such as land reform and pension reform, that the three countries in the Regional Mission face and it can be particularly useful for participants to learn how other NIS countries are approaching such issues and to share experiences.

Second, in the case of Belarus, the repressive political situation makes in-country training extremely difficult since the entire USAID portfolio consists of activities supporting democracy which are viewed unfavorably by the current regime. For that reason, most training must be conducted in neighboring countries if it is to be conducted at all.

As to the first and third criteria for a waiver, training provided in an Eastern European or NIS country as the only way to draw on the experiences, lessons learned and local access described above is necessarily unavailable in the U.S. or in independent countries of the Selected Free World. Such benefits cannot be transported to authorized countries in the form of trainers; for example, training combined with visits to local associations, organizations, communities, elected bodies, etc. cannot be provided locally or in the U.S.

The second criterion is that participants have proficiency in the language of instruction in the selected country. To a certain degree, Russian, which many Belarusians, Moldovans and Ukrainians speak, is still the lingua franca of the NIS and, to a lesser degree, Eastern Europe. In any event, this waiver will apply only to training events in which the participants are proficient in the language of instruction or will receive interpretation in a language they do understand. This approach is supported by the ADS mandatory reference “Detailed Guide for Training Results”, which states that “interpreters must be used if the participant(s) do not speak the language of training.”

Accordingly, **training events fitting all of the following criteria would be covered by the limited blanket waiver**, and would not require individual waivers:

(1) The subject of the training event is one that makes the experience of the waiver country¹ relevant to the experience of the sending country (Belarus, Moldova or Ukraine), as described above;

(2) At least one of the following is true:

(a) The training event is located in the waiver country because it is a unique event organized or funded other than by USAID or a USAID-funded program; or

(b) The training event is located in the waiver country in order to draw significantly on that country's experiences via site visits, meetings with local officials, or other similar relevant local resources not available in the U.S. or the sending country (the fact that trainers themselves are nationals of the waiver country does not itself satisfy this condition); or

(c) The training event is located in Lithuania, Poland or Ukraine in furtherance of a USAID democracy and governance program for Belarus; and

(3) All USAID-funded participants are proficient in the language of instruction, or will receive interpretation in a language they do understand.

A training event that satisfies the conditions in (1) and (2) also constitutes training that "is unavailable in the U.S. or in an independent country described under Code 941 of the Geographic Code Book", and therefore satisfies the final criterion listed in ADS section 253.3.2(d). The implementing partner relying on this limited blanket waiver is responsible for determining the applicability of the conditions listed above to a given training event and documenting its files accordingly. USAID retains the right to determine that training costs are unallowable if the associated training event does not, in its opinion, satisfy these conditions.

Approval of this limited blanket waiver does not imply that participant training should take place in Eastern Europe and the NIS to the exclusion of the U.S. and other authorized countries. The host country and the U.S. remain the preferred sites for training. Strategic Objective teams and their implementers should consider all relevant factors when making a determination as to which training locale is most appropriate for attaining the objectives of the activity. Approval of this waiver does not waive any other requirement for third country participant training, such as the requirements for medical insurance, interpreters and use of TrainNet, nor does it waive the nationality requirement for providers of training services.

¹ "Waiver country" refers to any country in Geographic Code 110 and, in addition, Lithuania, Latvia, Estonia, Poland, the Czech Republic, the Slovak Republic, Croatia, Slovenia, Romania, Albania, Serbia, Bosnia and Herzegovina, Bulgaria, Macedonia, Montenegro and Hungary.

Training events that do not meet all of the criteria above, such as training in Western Europe, will require individual waivers.

B. Designation

In order to increase the Mission's capacity to efficiently process case-specific third country training waivers, you should take advantage of your authority to designate employees for purposes of approving such waivers. The Participant Training Coordinator, a role assigned to the Director of the Program Office pursuant to Mission Order 100-02-02, is a logical designee and is proposed as such.

IV. AUTHORITY

ADS E253.5.3(d) authorizes the Mission Director to waive restrictions on third country training in the Developed Free World, and to designate employees to approve such waivers.

V. RECOMMENDATION

That you sign below indicating your approval of the two-year limited blanket waiver described above for activities managed by the Regional Mission, and your designation of the Participant Training Coordinator for purposes of approving case-specific third country training waivers. This waiver is effective February 15, 2008 and expires February 14, 2010.

/S/

Approve

01/28/2008

Date